

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte NORBERT CONRADS,
MARTIN WEIBRECHT, ULRICH SCHIEBEL
AND HERFRIED WIECZOREK

Application 09/826,256

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

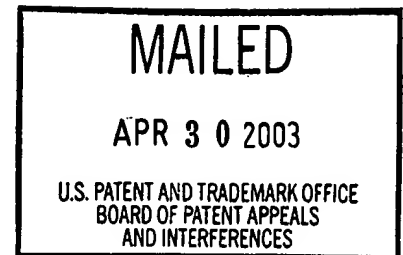
This application was received at the Board of Appeals and Interferences on April 21, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

At page 3 of the Examiner's Answer (Paper No. 9, mailed December 3, 2002), the examiner listed the following REFERENCE as "(9) Prior Art of record":

5,974,113

Bruijns

10/26/99



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No listing under "Prior Art of Record" appears for the Conrads et al. (6,246,746 B1) cited on page 3 as "(10) Grounds of Rejection." Under the Manual of Patent Examining Procedure (MPEP) § 1211 (8th Ed., Rev. 1, Feb. 2003), clarification is required concerning the pertinence of the Conrads et al. reference. The MPEP § 1208(A)(1) (8th Ed., Rev. 1, Feb. 2003) further states:

(A) REQUIREMENTS FOR EXAMINER'S ANSWER. The examiner's answer is **required** to include, under appropriate headings, in the order indicated, the following items:

. . . .

(9) References of Record. A listing of the references of record relied on, and, in the case of nonpatent references, the relevant page or pages.

If appropriate, compliance with MPEP § 1208(A)(1) in listing the Conrads et al. Reference in the Examiner's Answer is required.

Accordingly, it is

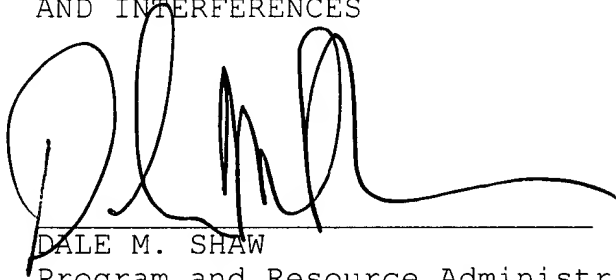
ORDERED that the application is returned to the examiner for resolution of the following issues:

- clarification under MPEP § 1211 concerning the pertinence of the Conrads et al. Reference listed in the Examiner's Answer (Paper No. 9);

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- if appropriate, compliance with MPEP §. 1208(A)(1) concerning listing the Conrads et al. reference as Reference of Record in a Supplemental Examiner's Answer; and
- for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

A handwritten signature in black ink, appearing to read 'D. M. Shaw', is written over a horizontal line.

DALE M. SHAW
Program and Resource Administrator
(703) 308-9797

DMS:svt:lc

RA03-0295